

JERRY MICHAEL PUCKETT,
ANDREW JOSEPH PUCKETT, AND
G.R.P., A MINOR CHILD,

V.

Defendants.

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NO. 2:23-cv-00123-DCLC-CRW

JURY TRIAL REQUESTED

COME NOW the Defendants Town of Erwin, Tennessee (“Town” or “Erwin”), and Erwin Police Captain Tony Buchanan (“Buchanan” or “Captain Buchanan”) (collectively, “Erwin Defendants”), to respond to the *Plaintiffs’ Fourth Amended Complaint* [Doc. 54] filed against them and would answer as follows:

Relative to the Plaintiffs’ claims brought against the Erwin Defendants pursuant to 42 U.S.C. §§ 1983, 1985, 112132, and 12203, including the Plaintiffs’ Title II claims, the *Fourth Amended Complaint* fails to state a claim upon which relief can be granted pursuant to *Federal Rule of Civil Procedure* 12(b)(6).

SECOND DEFENSE

Relative to the Plaintiffs' claims brought against the Erwin Defendants under the Fourth, Fifth, and Fourteenth Amendments to the United States Constitution, the *Fourth Amended Complaint* fails to state a claim upon which relief can be granted pursuant to *Federal Rule of Civil Procedure* 12(b)(6).

THIRD DEFENSE

Relative to the Plaintiffs' claims of malicious prosecution brought against the Erwin Defendants, the Erwin Defendants affirmatively assert the existence of probable cause for each of the prosecutions mentioned in the *Fourth Amended Complaint*.

FOURTH DEFENSE

Relative to the Plaintiffs' claims brought pursuant to 42 U.S.C. §§ 12203, 1985, and 1983, including the Plaintiffs' Title II claims and claims under the Fourth, Fifth, and Fourteenth Amendments to the United States Constitution, against Captain Buchanan, Buchanan is entitled to qualified immunity as to each claim inasmuch as there was no constitutional violation and, alternatively, there is no clearly established law that would have placed every reasonable police captain on notice that s/he was violating a constitutional right.

FIFTH DEFENSE / ANSWER

1-3. Denied.

I. PARTIES

4-6. The Erwin Defendants are without sufficient knowledge or information to admit or deny the allegations contained in paragraphs four (4) through six (6) of the *Fourth Amended Complaint*.

7. The allegations contained in paragraph seven (7) of the *Fourth Amended Complaint* are not directed towards these responding Defendants. These responding Defendants are without sufficient knowledge or information to admit or deny these allegations directed towards other defendants.

8. Admitted.

9-10. The allegations contained in paragraph nine (9) and ten (10) of the *Fourth Amended Complaint* are not directed towards these responding Defendants. These responding Defendants are without sufficient knowledge or information to admit or deny these allegations directed towards other defendants.

11. Admitted.

12-17. The allegations contained in paragraphs twelve (12) through seventeen (17) of the *Fourth Amended Complaint* are not directed towards these responding Defendants. These responding Defendants are without sufficient knowledge or information to admit or deny these allegations directed towards other defendants.

18. The allegations contained in paragraph eighteen (18) of the *Fourth Amended Complaint* are, in part, not directed towards these responding Defendants. The responding Defendants generally deny that any current or former employee of the Town of Erwin conspired to deny any rights to the Plaintiff.

19. Paragraph nineteen (19) of the *Fourth Amended Complaint* does not contain allegations that require a responsive pleading. It is noted that the Plaintiffs are attempting to apply their own manufactured definitions to terms that have plain and ordinary meaning. To the extent a response is required to paragraph nineteen (19), such definitions are denied.

II. JURISDICTION AND VENUE

20. Jurisdiction of this Court is admitted as to the Erwin Defendants. It is noted that the Plaintiffs are asserting causes of action under the cited authority, but it is denied that these responding Defendants violated these causes of action. The remaining allegations in paragraph twenty (20) of the *Fourth Amended Complaint* not directed towards these responding Defendants cannot be admitted or denied due to a lack of sufficient knowledge or information.

21.-22. Jurisdiction of this Court is admitted as to the Erwin Defendants. The remaining allegations in paragraphs twenty-one (21) and twenty-two (22) of the *Fourth Amended Complaint* are not directed towards these responding Defendants and cannot be admitted or denied due to a lack of sufficient knowledge or information.

23. Venue of this Court is admitted as to the Erwin Defendants. The remaining allegations in paragraph twenty-three (23) of the *Fourth Amended Complaint* not directed towards these responding Defendants cannot be admitted or denied due to a lack of sufficient knowledge or information.

III. FACTUAL ALLEGATIONS

24-37. The Erwin Defendants are without sufficient knowledge or information to admit or deny the allegations contained in paragraphs twenty-four (24) through thirty-seven (37) of the *Fourth Amended Complaint*.

38. In response to paragraph thirty-eight (38) of the *Fourth Amended Complaint*, the first allegations in the first sentence are admitted on information and belief, except that it is not known by these Defendants whether police complaints received by the Erwin police were based primarily on Andrew exhibiting symptoms of his mental illness. The remaining allegations in paragraph thirty-eight (38) are denied.

39. In response to paragraph thirty-nine (39) of the *Fourth Amended Complaint*, it is admitted that the Erwin Police Department initiated some charges against Andrew. The remaining allegations in paragraph thirty-nine (39) are denied.

40. The allegations in paragraph forty (40) of the *Fourth Amended Complaint* are denied.

41. Denied as to these responding Defendants, except that it is admitted that Andrew Puckett was lawfully arrested by the Erwin Police Department on or about March 11, 2013, on a charge of criminal stalking, and that the records associated with that charge indicate “nolle pros” thereon. With respect to the allegations directed to other defendants, these responding Defendants cannot admit or deny these allegations due to a lack of sufficient knowledge or information.

42.-44. Denied as to these responding Defendants. With respect to the allegations directed to other defendants, these responding Defendants cannot admit or deny these allegations due to a lack of sufficient knowledge or information

45-46. The allegations in paragraph forty-five (45) and forty-six (46) of the *Fourth Amended Complaint* not directed towards these responding Defendants cannot be admitted or denied due to a lack of sufficient knowledge or information.

47. Denied as to these responding Defendants, except that it is admitted Andrew Puckett was lawfully arrested by the Town of Erwin Police Department for possession of a hoax device pursuant to Tennessee Code Annotated § 39-17-1302. With respect to the allegations directed to other defendants, these responding Defendants cannot admit or deny these allegations due to a lack of sufficient knowledge or information.

48. Denied as to these responding Defendants, except that it is admitted Jerry Puckett brought Andrew Puckett to the Erwin Police Department for questioning and that, as seen on video,

Jerry Puckett is present with Andrew Puckett during questioning. With respect to the allegations directed to other defendants, these responding Defendants cannot admit or deny these allegations due to a lack of sufficient knowledge or information.

49-51. Denied as to these responding Defendants. With respect to the allegations directed to other defendants, these responding Defendants cannot admit or deny these allegations due to a lack of sufficient knowledge or information.

52. Denied as to these responding Defendants, except that it is admitted that Captain Buchanan has interacted with Jerry Puckett in connection with the investigation into the hoax bombing at Unicoi County Hospital. Any allegation directed to these responding Defendants that is inconsistent with the above admission is denied. With respect to the allegations directed to other defendants, these responding Defendants cannot admit or deny these allegations due to a lack of sufficient knowledge or information.

53. Denied as to these responding Defendants. With respect to the allegations directed to other defendants, these responding Defendants cannot admit or deny these allegations due to a lack of sufficient knowledge or information.

54. The allegations in paragraph fifty-four (54) are not directed towards these responding Defendants and cannot be admitted or denied due to a lack of sufficient knowledge or information. To the extent any allegations in paragraph fifty-four (54) are directed towards the Erwin Defendants, such are denied.

55. Denied as to these responding Defendants. With respect to the allegations directed to other defendants, these responding Defendants cannot admit or deny these allegations due to a lack of sufficient knowledge or information.

56-76. The allegations in paragraphs fifty-six (56) through seventy-six (76) are not directed towards these responding Defendants and cannot be admitted or denied due to a lack of sufficient knowledge or information. To the extent any allegations in these paragraphs are directed towards the Erwin Defendants, such are denied.

77. Paragraph seventy-seven (77) of the *Fourth Amended Complaint* does not contain allegations that require a responsive pleading. To the extent a response is required, it is admitted that discovery has commenced in this lawsuit. The remaining allegations are denied.

78. Denied as to these responding Defendants. With respect to the allegations directed to other defendants, these responding Defendants cannot admit or deny these allegations due to a lack of sufficient knowledge or information.

79. These responding Defendants are without sufficient knowledge and information to admit or deny the first sentence of paragraph seventy-nine (79). The second sentence of paragraph seventy-nine (79) is admitted. The remaining allegations in paragraph (79) are denied, except that it is admitted that Erwin received a copy of a letter dated October 28, 2015, from Dr. Stephen C. Rutledge addressed to Unicoi County Sessions Judge David Shults—appearing in the *State of Tennessee, v. Andrew Puckett* (No. 77277) case file of the General Sessions Court of Unicoi County—opining that Andrew Puckett was “able to act with knowing and intent at the time of the alleged commission of the offenses, the *mens rea* noted necessary for the current charges.”

80-83. The allegations in paragraph eighty (80) through eighty-three (83) are not directed towards these responding Defendants and cannot be admitted or denied due to a lack of sufficient knowledge or information. To the extent any allegations in these paragraphs are directed towards the Erwin Defendants, such are denied.

84. Denied as to these responding Defendants. With respect to the allegations directed to other defendants, these responding Defendants cannot admit or deny these allegations due to a lack of sufficient knowledge or information.

85-101. The allegations in paragraph eighty-five (85) through one-hundred-one (101) are not directed towards these responding Defendants and cannot be admitted or denied due to a lack of sufficient knowledge or information. To the extent any allegations in these paragraphs are directed towards the Erwin Defendants, such are denied.

IV. ASSERTED CAUSES OF ACTION

102. It is noted that the Plaintiff, Andrew Puckett, is asserting a cause of action under the cited authority, but it is denied that these responding Defendants violated these causes of action. Any remaining allegation in paragraph one-hundred-two (102) of the *Fourth Amended Complaint* directed towards these responding Defendants is denied. With respect to the allegations directed to other defendants, these responding Defendants cannot admit or deny these allegations due to a lack of sufficient knowledge or information.

103. The allegations contained in paragraph one-hundred-three (103) of the *Fourth Amended Complaint* assert a statement of law to which no response is required. To the extent a response may be required, it is denied as to these responding Defendants. With respect to any allegations directed to other defendants, these responding Defendants cannot admit or deny these allegations due to a lack of sufficient knowledge or information.

104. The Erwin Defendants are without sufficient knowledge or information to admit or deny the allegations contained in paragraph one-hundred-four (104) of the *Fourth Amended Complaint*.

105. The allegations directed to these responding Defendants in paragraph one-hundred-five (105) are denied, except that it is admitted that Erwin provides, among other things, law enforcement services within its jurisdiction. The allegations not directed towards these responding Defendants cannot be admitted or denied due to a lack of sufficient knowledge or information.

106-107. Denied as to these responding Defendants. With respect to the allegations directed to other defendants, these responding Defendants cannot admit or deny these allegations due to a lack of sufficient knowledge or information.

108. It is noted that the Plaintiffs are asserting causes of action under the cited authority but it is denied that these responding Defendants violated these causes of action. Any remaining allegation in paragraph one-hundred-eight (108) directed towards these responding Defendants is denied. With respect to the allegations directed to other defendants, these responding Defendants cannot admit or deny these allegations due to a lack of sufficient knowledge or information.

109. The allegations contained in paragraph one-hundred-nine (109) of the *Fourth Amended Complaint* assert a statement of law to which no response is required. To the extent a response may be required, it is denied as to these responding Defendants. With respect to any allegations directed to other defendants, these responding Defendants cannot admit or deny these allegations due to a lack of sufficient knowledge or information.

110-114. Denied as to these responding Defendants. With respect to the allegations directed to other defendants, these responding Defendants cannot admit or deny these allegations due to a lack of sufficient knowledge or information.

115. It is noted that the Plaintiffs are asserting causes of action under the cited authority, but it is denied that these responding Defendants violated these causes of action. Any remaining allegation in paragraph one-hundred-fifteen (115) of the *Fourth Amended Complaint* directed

towards these responding Defendants is denied. With respect to the allegations directed to other defendants, these responding Defendants cannot admit or deny these allegations due to a lack of sufficient knowledge or information.

116-119. Denied as to these responding Defendants. With respect to the allegations directed to other defendants, these responding Defendants cannot admit or deny these allegations due to a lack of sufficient knowledge or information.

120. It is noted that the Plaintiff, Andrew Puckett, is asserting a cause of action under the cited authority but it is denied that these responding Defendants violated these causes of action. Any remaining allegation in paragraph one-hundred-twenty (120) of the *Fourth Amended Complaint* directed towards these responding Defendants is denied. With respect to the allegations directed to other defendants, these responding Defendants cannot admit or deny these allegations due to a lack of sufficient knowledge or information.

121. Denied as to these responding Defendants. With respect to the allegations directed to other defendants, these responding Defendants cannot admit or deny these allegations due to a lack of sufficient knowledge or information.

122. Admitted that Captain Buchanan was at all times material acting under color of law and within the course and scope of his employment with the Town of Erwin, Tennessee. The remaining allegations in paragraph one-hundred-twenty-two (122) are denied.

123. Denied as to these responding Defendants.

124. Denied as to these responding Defendants. With respect to the allegations directed to other defendants, these responding Defendants cannot admit or deny these allegations due to a lack of sufficient knowledge or information.

125. The allegations in paragraph one-hundred-twenty-five (125) are not directed towards these responding Defendants and cannot be admitted or denied due to a lack of sufficient knowledge or information. To the extent any allegations in these paragraphs are directed towards the Erwin Defendants, such are denied.

126. It is noted that the Plaintiff, Jerry Puckett, is asserting a cause of action under the cited authority. Any remaining allegation in paragraph one-hundred-twenty-six (126) of the *Fourth Amended Complaint* directed towards these responding Defendants is denied. With respect to the allegations directed to other defendants, these responding Defendants cannot admit or deny these allegations due to a lack of sufficient knowledge or information.

127-133. The allegations in paragraphs one-hundred-twenty-seven (127) through one-hundred-thirty-three (133) are not directed towards these responding Defendants and cannot be admitted or denied due to a lack of sufficient knowledge or information. To the extent any allegations in these paragraphs are directed towards the Erwin Defendants, such are denied.

134. It is noted that the Plaintiff, George Puckett, is asserting a cause of action under the cited authority. Any remaining allegation in paragraph one-hundred-thirty-four (134) of the *Fourth Amended Complaint* directed towards these responding Defendants is denied. With respect to the allegations directed to other defendants, these responding Defendants cannot admit or deny these allegations due to a lack of sufficient knowledge or information.

135-141. The allegations in paragraphs one-hundred-thirty-five (135) through one-hundred-forty-one (141) are not directed towards these responding Defendants and cannot be admitted or denied due to a lack of sufficient knowledge or information. To the extent any allegations in these paragraphs are directed towards the Erwin Defendants, such are denied.

142. It is noted that the Plaintiff, Jerry Puckett, is asserting a cause of action under the cited authority. Any remaining allegation in paragraph one-hundred-forty-two (142) of the *Fourth Amended Complaint* directed towards these responding Defendants is denied. With respect to the allegations directed to other defendants, these responding Defendants cannot admit or deny these allegations due to a lack of sufficient knowledge or information.

143-148. The allegations in paragraphs one-hundred-forty-three (143) through one-hundred-forty-eight (148) are not directed towards these responding Defendants and cannot be admitted or denied due to a lack of sufficient knowledge or information. To the extent any allegations in these paragraphs are directed towards the Erwin Defendants, such are denied.

149. It is noted that the Plaintiff, Jerry Puckett, is asserting a cause of action under the cited authority. Any remaining allegation in paragraph one-hundred-forty-nine (149) of the *Fourth Amended Complaint* directed towards these responding Defendants is denied. With respect to the allegations directed to other defendants, these responding Defendants cannot admit or deny these allegations due to a lack of sufficient knowledge or information.

150-153. The allegations in paragraphs one-hundred-fifty (150) through one-hundred-fifty-three (153) are not directed towards these responding Defendants and cannot be admitted or denied due to a lack of sufficient knowledge or information. To the extent any allegations in these paragraphs are directed towards the Erwin Defendants, such are denied.

154. It is noted that the Plaintiff, Jerry Puckett, is asserting a cause of action under the cited authority. Any remaining allegation in paragraph one-hundred-fifty-four (154) of the *Fourth Amended Complaint* directed towards these responding Defendants is denied. With respect to the allegations directed to other defendants, these responding Defendants cannot admit or deny these allegations due to a lack of sufficient knowledge or information.

155-159. The allegations in paragraphs one-hundred-fifty-five (155) through one-hundred-fifty-nine (159) are not directed towards these responding Defendants and cannot be admitted or denied due to a lack of sufficient knowledge or information. To the extent any allegations in these paragraphs are directed towards the Erwin Defendants, such are denied.

160. It is noted that the Plaintiff, Jerry Puckett, is asserting a cause of action under the cited authority. Any remaining allegation in paragraph one-hundred-sixty (160) of the *Fourth Amended Complaint* directed towards these responding Defendants is denied. With respect to the allegations directed to other defendants, these responding Defendants cannot admit or deny these allegations due to a lack of sufficient knowledge or information.

161-166. The allegations in paragraphs one-hundred-sixty-one (161) through one-hundred-sixty-six (166) are not directed towards these responding Defendants and cannot be admitted or denied due to a lack of sufficient knowledge or information. To the extent any allegations in these paragraphs are directed towards the Erwin Defendants, such are denied.

167. It is noted that the Plaintiff, George Puckett, is asserting a cause of action under the cited authority. Any remaining allegation in paragraph one-hundred-sixty-seven (167) of the *Fourth Amended Complaint* directed towards these responding Defendants is denied. With respect to the allegations directed to other defendants, these responding Defendants cannot admit or deny these allegations due to a lack of sufficient knowledge or information.

168-173. The allegations in paragraphs one-hundred-sixty-eight (168) through one-hundred-seventy-three (173) are not directed towards these responding Defendants and cannot be admitted or denied due to a lack of sufficient knowledge or information. To the extent any allegations in these paragraphs are directed towards the Erwin Defendants, such are denied.

174. It is noted that the Plaintiff, George Puckett, is asserting a cause of action under the cited authority. Any remaining allegation in paragraph one-hundred-seventy-four (174) of the *Fourth Amended Complaint* directed towards these responding Defendants is denied. With respect to the allegations directed to other defendants, these responding Defendants cannot admit or deny these allegations due to a lack of sufficient knowledge or information.

175-179. The allegations in paragraphs one-hundred-seventy-five (175) through one-hundred-seventy-nine (179) are not directed towards these responding Defendants and cannot be admitted or denied due to a lack of sufficient knowledge or information. To the extent any allegations in these paragraphs are directed towards the Erwin Defendants, such are denied.

180. It is noted that the Plaintiff, George Puckett, is asserting a cause of action under the cited authority. Any remaining allegation in paragraph one-hundred-eighty (180) of the *Fourth Amended Complaint* directed towards these responding Defendants is denied. With respect to the allegations directed to other defendants, these responding Defendants cannot admit or deny these allegations due to a lack of sufficient knowledge or information.

181-183. The allegations in paragraphs one-hundred-eighty-one (181) through one-hundred-eighty-three (183) are not directed towards these responding Defendants and cannot be admitted or denied due to a lack of sufficient knowledge or information. To the extent any allegations in these paragraphs are directed towards the Erwin Defendants, such are denied.

184. These responding Defendants incorporate by reference their responses to the allegations set forth in the preceding paragraphs as if fully restated herein.

185. It is noted that the Plaintiffs, Jerry Puckett and George Puckett, are asserting a cause of action under the cited authority. Any remaining allegation in paragraph one-hundred-eighty-five (185) of the *Fourth Amended Complaint* directed towards these responding Defendants is

denied. With respect to the allegations directed to other defendants, these responding Defendants cannot admit or deny these allegations due to a lack of sufficient knowledge or information.

186-194. The allegations in paragraphs one-hundred-eighty-six (185) through one-hundred-ninety-four (194) are not directed towards these responding Defendants and cannot be admitted or denied due to a lack of sufficient knowledge or information. To the extent any allegations in these paragraphs are directed towards the Erwin Defendants, such are denied.

195-199. These responding Defendants deny that the Plaintiffs are entitled to the relief requested in paragraphs one-hundred-ninety-five (195) through one-hundred-ninety-nine (199) of the *Fourth Amended Complaint* as to the allegations, claims, and relief sought against them. With respect to the claims and relief directed to other defendants, these responding Defendants cannot admit or deny these allegations due to a lack of sufficient knowledge or information.

V. REQUEST FOR JURY TRIAL

200. It is noted that the Plaintiffs are each seeking a jury for claims that may properly be tried before a jury.

VI. PRAYER FOR RELIEF

201. Denied as to these responding Defendants. With respect to the claims and relief directed to other defendants, these responding Defendants cannot admit or deny these allegations due to a lack of sufficient knowledge or information.

Now having fully responded to the allegations in the *Fourth Amended Complaint*, the Erwin Defendants would assert a general denial to any allegation(s) not heretofore expressly admitted.

Respectfully submitted,

s/Hunter S. Shepard

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*Counsel to the Town of Erwin, Tennessee,
and Erwin Police Captain Tony Buchanan*

CERTIFICATE OF SERVICE

I certify that on March 4, 2025, I electronically filed the foregoing document(s) and that they are available for viewing and downloading from the Court's CM/ECF system, and that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

s/Hunter S. Shepard

Hunter S. Shepard, BPR # 037629